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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,752	05/24/2001	Robert S. Sielken	RSW920010095US1	1924

7590 12/23/2005
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EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,752	Applicant(s) SIELKEN, ROBERT S.	
	Examiner Nhon (Gary) D. Nguyen	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12, 13, 17, 19-26, 30, 31, 35-42, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 13, 17, 19-26, 30, 31, 35-42, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment, filed 10/20/2005.
2. Claims 1-8, 12, 13, 17, 19-26, 30, 31, 35-42, 46 and 47 are pending in this application.

Claims 1, 17, 19, and 35 are independent claims. In this amendment, no claim is canceled, claims 1, 17, 19, and 35 are amended, and no claim is added. This action is made non-final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 12, 13, 17, 19-21, 24-26, 30, 31, 35-37, 40-42, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo et al. ("Angiulo", US 2002/0135621).

As per claims 1, 17, 19 and 35 Angiulo teaches a computer implemented method and corresponding system for ordering elements included within a list comprising the steps/means:

presenting the elements in a list format in a first order in a graphical user (set of elements list box 120 of FIGURE 3);

receiving a first user input selecting a set of the element from the list (page 6, paragraph 47);

responsive to detecting the first user input, monitoring for a second user input, indicating a movement of the set of elements within the list; and responsive to detecting the second user input (page 6, paragraphs 46 and 47; selecting MOVE UP 122 or MOVE DOWN 124), automatically reordering the elements in the list including:

when the set of elements comprises a plurality of contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements together as one unit as if said set were a single list element to create a modified list of elements in a second order, said set of elements appearing to a user as having been moved simultaneously (page 6, paragraphs 46 and 47);

As discussed above, Anguilo teaches the selection of a set of multiple contiguous elements within the list of elements and automatically reordering the elements in the list by moving the selected set of elements together as one unit as if said set were a single list element to create a modified list of elements in a second order (page 6, paragraphs 46 and 47). Anguilo does not disclose the selected set of elements comprises a plurality of *non-contiguous elements*. The Examiner takes Official notice that selection of multiple non-contiguous elements within a list of elements would have been obvious to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art to apply the technique of reordering the elements in the list by moving the set noncontiguous elements to reordering the elements in the list by moving the set of non-contiguous elements because in both cases the system would have treated a set of selected elements as a block, regardless of contiguous or non-contiguous, and would have moved the set of selected elements in the list as a block (therefore, the relative order and spacing between elements within the block would have been preserved). It would have been obvious to one of

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ordinary skill in the art at the time of the invention to include selections multiple non-contiguous elements in the list and reordering the elements in the list by moving the selected set of elements to together as one unit as if said set were a single list element to create a modified list of elements in a second order in Angiulo's system since it would have given the system the flexibility for selecting and reordering set of non-contiguous elements, in addition to the set of contiguous elements.

As per claims 2, 20 and 36, Angiulo teaches the second user input causes the set of elements to be moved in a first direction within the list by a selected number of locations (page 6, paragraphs 46 and 47).

As per claims 3, 21, and 37, Angiulo teaches the second user input causes the set of elements to be moved in a second direction within the list by a selected number of locations (page 6, paragraphs 46 and 47).

As per claims 6, 7, 13, 24, 25, 31, 40, 41, and 47, Angiulo teaches the second user input received by a selection of a control associated with the set of elements, wherein the control is a navigation button (page 6, paragraphs 46 and 47; MOVE UP 122 or MOVE DOWN 124 buttons).

As per claims 8, 26, and 42, Angiulo teaches the second user input includes an identification of a direction in which the set of elements are to be moved (page 6, paragraphs 46

and 47; MOVE UP 122 or MOVE DOWN 124 buttons) and wherein the automatically reordering step comprises:

determining whether the set of elements can be moved in the direction identified by the second user input; and responsive to a determination that the set of elements can be moved in the direction, moving the set of elements in the direction (page 6, paragraphs 46 and 47; MOVE UP 122 or MOVE DOWN 124 buttons).

As per claims 12, 30, and 46, Angiulo teaches displaying the list in a window (list 120 of e.g. FIGURE 3).

3. Claims 4, 5, 22, 23, 38 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo in view of Examiner Automated Search Tool ("EAST").

As per claims 4, 22 and 38, Angiulo does not disclose the second user input causes the set of elements to be moved to a first end of the list. EAST teaches clicking on button 1 moves the selected items to the bottom of the list (e.g. FIGURES 4 and 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from EAST of moving selected items to the bottom of the list in Angiulo's system since it would have helped to move the selected items faster to one end of the list.

As per claims 5, 23 and 39, Angiulo does not disclose the second user input causes the set of elements to be moved to a second end of the list. EAST teaches clicking on button 1 again moves the selected items to the top of the list (e.g. FIGURES 5 and 8). It would have been

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obvious to one of ordinary skill in the art at the time of the invention to use the teaching from EAST of moving selected items to the top of the list in Angiulo's system since it would have helped to move the selected items faster to one end of the list.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 17, 19, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
December 16, 2005



WEILUN LO
SUPERVISORY PATENT EXAMINER